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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/128,580
Filing Date: 08/04/1998
Appellant(s): Thomas M. Gillihan et al.

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Technology Center 2600

Kevin L. Russell
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 25, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

Art Unit:

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 1-8 and 10-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

Art Unit:

The rejection of claims 9 and 18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,715,379	Pavlovic et al.	2-1998
5,075,874	Steeves et al.	12-1991
5,854,940	Niihara et al.	12-1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavlovic et al (U.S. 5,715,379).

As to claim 1, Pavlovic et al discloses a print engine for a printer (see figure 1) comprising: (a) a first process that receives a document to be printed on a printer

Art Unit:

(receiving document to be printed in spool 106); (b) a second process (110 and see column 4, lines 36-43) that examines the document to select which of a plurality of third processes (110a, 110b, 110c or 110d) is suitable to parse the printer description language of the document; (c) a first one of the plurality of third processes (110a) parsing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (110 and see column 4, lines 36-43); (d) a second one of the plurality of third processes (110b) parsing the document using a second PDL (i.e., PCL) in response to the selection of the second process (110 and see column 4, lines 36-43); and (e) the second process (110 and see column 4, lines 36-43) not terminating prior to the selected third process initiating the parsing of the document.

As to claim 2, Pavlovic et al discloses wherein the second process (110 and see column 4, lines 36-43) continues to examine the document for synchronization data while the third process parses the document.

As to claim 3, Pavlovic et al discloses wherein the second process (110 and see column 4, lines 36-43) is a PDL determination process and the first process (receiving data in spool 106) is a data receiver process.

As to claim 4, Pavlovic et al discloses wherein the third processes (110a, 110b, 110c and 110d) are PDL parsing processes for different PDL (i.e., PostScript, PCL, TIFF and ASCII).

Art Unit:

As to claim 5, Pavlovic et al discloses a master control process (108) that receives and responds to internal and external data sensor input.

As to claim 6, Pavlovic et al discloses wherein the first PDL is selected from the group of HP-PCL and PostScript (see figure 2).

As to claim 7, Pavlovic et al discloses (a) the first process receives a plurality of documents (in spool 106); and (b) the second process (110 and see column 4, lines 36-43) examines each of the plurality of documents to select which of the plurality of third processes (110a-110d) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Pavlovic et al discloses (a) the second process (110 and see column 4, lines 36-43) examines the plurality of documents for synchronization data; and (b) the second process (110 and see column 4, lines 36-43) examining the document for the synchronization data simultaneously with the selected third process (110a-110d) parsing the document.

As to claim 9, Pavlovic et al discloses (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document (see column 10, lines 3-14).

As to claim 10, Pavlovic et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in spool 106); (b) examining the document (110 and see column 4, lines 36-43) to select one of a plurality of parsers (110a-110d) suitable to parse the PDL of the document; (c) in response to step (b) processing the

Art Unit:

document by selecting at least one of a first PDL (110a) and a second PDL (110b) and parsing the document using the at least one of the first and the second printer description languages; and (d) the examining of step (b) continuing to examine the document for synchronization data while the parsing of step (c).

As to claim 11, Pavlovic et al discloses wherein the receiving of step (a) is a data receiver process (receiving data in spool 106).

As to claim 12, Pavlovic et al discloses wherein the examining of the document of step (b) is a PDL determination process (110 and see column 4, lines 36-43).

As to claim 13, Pavlovic et al discloses wherein the processing of step c) are PDL parsing (110a-110d) processes for different PDL's.

As to claim 14, Pavlovic et al discloses providing a master control process (108) that receives and responds to internal and external data sensor input.

As to claim 15, Pavlovic et al discloses wherein the first PDL (110a or 110b) is selected from the group of HP-PCL and PostScript (see figure 2).

As to claim 16, Pavlovic et al discloses (a) receiving a plurality of documents (in spool 106); and (b) examining (110 and see column 4, lines 36-43) each of the plurality of documents to select which PDL (110a-110d) is suitable to parse the PDL of each of the respective documents (see figures 1-2).

As to claim 17, Pavlovic et al discloses (a) examining (110 and see column 4, lines 36-43) the plurality of documents for synchronization data; and (b) examining the documents (110

Art Unit:

and see column 4, lines 36-43) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (110a) and the second PDL (110b).

As to claim 18, Pavlovic et al discloses (a) detecting an error within one of the documents; and (b) initializing a different one of the selected the at least one of the first PDL and the second PDL (see column 10, lines 3-14).

2. Claims 1-8 and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Steeves et al (U.S. 5,075,874).

As to claim 1, Steeves et al discloses a print engine for a printer (see figure 1) comprising: (a) a first process that receives a document to be printed on a printer (receiving document to be printed in buffers 23-26); (b) a second process (100) that examines the document to select which of a plurality of third processes (104, 106, 108, 110, 112 and 126) is suitable to parse the printer description language of the document; (c) a first one of the plurality of third processes (126) parsing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (100); (d) a second one of the plurality of third processes (104) parsing the document using a second PDL (i.e., PCL) in response to the selection of the second process (100); and (e) the second process (100) not terminating prior to the selected third process (104, 106, 108, 110, 112 or 126) initiating the parsing of the document.

Art Unit:

As to claim 2, Steeves et al discloses wherein the second process (100) continues to examine the document for synchronization data while the third process parses the document.

As to claim 3, Steeves et al discloses wherein the second process (100) is a PDL determination process and the first process (receiving data in buffers 23-26) is a data receiver process.

As to claim 4, Steeves et al discloses wherein the third processes (104, 106, 108, 110, 112 or 126) are PDL parsing processes for different PDL (i.e., PostScript, DIABLO, EPSON and PCL).

As to claim 5, Steeves et al discloses a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 6, Steeves et al discloses wherein the first PDL is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 7, Steeves et al discloses (a) the first process receives a plurality of documents (in buffers 23-26); and (b) the second process (100) examines each of the plurality of documents to select which of the plurality of third processes (104, 106, 108, 110, 112 or 126) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Steeves et al discloses (a) the second process (100) examines the plurality of documents for synchronization data; and (b) the second process (100) examining the document for the synchronization data simultaneously with the selected third process (104, 106, 108, 110, 112 or 126) parsing the document.

Art Unit:

As to claim 10, Steeves et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in buffers 23-26); (b) examining the document (100) to select one of a plurality of parsers (104, 106, 108, 110, 112 or 126) suitable to parse the PDL of the document; (c) in response to step (b) processing the document by selecting at least one of a first PDL (126) and a second PDL (104) and parsing the document using the at least one of the first and the second printer description languages; and (d) the examining of step (b) continuing to examine the document for synchronization data while the parsing of step (c).

As to claim 11, Steeves et al discloses wherein the receiving of step (a) is a data receiver process (receiving data in buffers 23-26).

As to claim 12, Steeves et al discloses wherein the examining of the document of step (b) is a PDL determination process (100).

As to claim 13, Steeves et al discloses wherein the processing of step c) are PDL parsing (104, 106, 108, 110, 112 or 126) processes for different PDL's.

As to claim 14, Steeves et al discloses providing a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 15, Steeves et al discloses wherein the first PDL (126 or 104) is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 16, Steeves et al discloses (a) receiving a plurality of documents (in buffers 23-26); and (b) examining (100) each of the plurality of documents to select which PDL (104,

Art Unit:

106, 108, 110, 112 or 126) is suitable to parse the PDL of each of the respective documents (see figures 1 and 3).

As to claim 17, Steeves et al discloses (a) examining (100) the plurality of documents for synchronization data; and (b) examining the documents (100) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (126) and the second PDL (104).

3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic et al (U.S. 5,715,379) or Steeves et al (U.S. 5,075,874) in view of Niihara et al (U.S. 5,854,940).

As to claims 9 and 18, Pavlovic et al or Steeves et al do not teach (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document. Niihara et al teaches a printing system with a language determining device, wherein, the selected language interpreter detecting an error within one of the documents, the language determination initializing a different one of the languages interpreters to be selected in response to the selected interpreter detecting an error within the document. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified Pavlovic et al or Steeves et al wherein: (a) the

Art Unit:

selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Pavlovic et al or Steeves et al by the teaching of Niihara et al because of the following reason(s): (1) so that when the selected interpreter detects an error within one of the documents, a PDL determination process selects a different PDL interpreter in order to process the data; (2) when the selected interpreter detects an error within one of the documents, a language determination is made in order to determine in what language the next document is in, so that the next document can be processed by the correct interpreter.

(11) Response to Argument

A) With respect to the arguments that *"the Appellants submit Pavlovic et al. do not explicitly state that the operation of the controller and guessing algorithm does not terminate after the proper parser has been identified and before parsing is initiated. Further, the Appellants submit that continued operation of the decomposer selection facility until parsing*

Art Unit:

(the third process) is initiated is not implied by Pavlovic et al.” and “While the PDL determination process of Pavlovic et al may be reinitiated at intermediate locations within a document, there is no indication that the determination process does not again terminate once it has identified a PDL for a next document section or that the PDL determination process operates concurrently with the parsing process at any time. The Appellants submit that Pavlovic et al discloses a prior art print engine and does not anticipate the print engine of claim 1.”, the arguments have been considered, but they are not found to be persuasive because of the following reason(s):

Pavlovic et al (U.S. Patent 5,715,379) discloses a print engine for a printer (see figure 1). Figure 1 further discloses (a) a first process that receives a document to be printed on a printer (i.e., receiving document to be printed in spool 106), (b) a second process (decomposition facility 110 and see column 4, lines 36-43) that examines the document to select which of a plurality of third processes (decomposers 110a, 110b, 110c or 110d) is suitable to parse the printer description language of the document, (c) a first one of the plurality of third processes (i.e., decomposer 110a) parsing the document using a first PDL (i.e., PostScript, see figure 2) in response to the selection of the second process (110 and see column 4, lines 36-43), (d) a second one of the plurality of third processes (decomposer 110b) parsing the document using a second PDL (i.e., PCL, see figure 2) in response to the selection of the second process (110 and see column 4, lines 36-43); and (e) the second process

Art Unit:

(decomposition facility 110 and see column 4, lines 36-43) not terminating prior to the selected third process initiating the parsing of the document.

As pointed out, by the Appellant's argument presented at Page 6, lines 23-25 of the *APPEAL BRIEF (Paper #11, filed 9/25/2000, the Appellant state "While the PDL determination process of Pavlovic et al may be reinitiated at intermediate locations within a document ...")*. While the PDL determination process (is the second process) is not terminating prior to the selected third process (decomposers 110a, 110b, 110c or 110d) initiating the parsing of the document.

Furthermore, as can be seen in figure 3 and column 7, lines 10-27, a print job having four portions intended to be printed as a single document. The four tasks are (1) PS file 1, (2) ASCII file 1, (3) PCL file 1, (4) PS file 2,. Thus, while PDL determination process may identify the ASCII file 1, decomposer 110a, may decompose the PS file 1. Thus, this process reads on the second process (decomposition facility 110 and PDL determination process and see column 4, lines 36-43) not terminating prior to the selected third process initiating the parsing of the document.

Pavlovic et al (U.S. Patent 5,715,379) discloses at column 4, lines 43-47, that *"It may be desirable, in certain situations, to provide multiple decomposers of the same type, such as multiple PostScript interpreters, which may be used simultaneously in parallel, thereby increasing the total throughput speed of the system."*

Art Unit:

In addition, Pavlovic et al (U.S. Patent 5,715,379) discloses at column 7, lines 1-10, that a practical advantage of the system is that the system enables simultaneous decompression of files of different PDLs or formats, and enables these different format files to be combined in a single job. That is, the different decomposition facilities 110a-d can be made to operate simultaneously.

Hence, While the PDL determination process (the second process) of Pavlovic et al is initiated or reinitiated at intermediate locations within a document, the second process is not terminating prior to the selected third process (decomposers 110a, 110b, 110c, or 110d) initiating the parsing of the document.

B) With respect to the argument that *"Likewise with respect to claim 10, the applicant submits that there is no indication in Pavlovic et al., explicit or implied, that a step of document examination for synchronization data continues while the document is being parsed."* the argument has been considered, but is not found to be persuasive because of the following reason(s):

Pavlovic et al discloses a method of printing documents. Pavlovic et al discloses (a) receiving a document to be printed on a printer (see figure 1, a document is received from the client in spool 106), (b) examining the document (decomposition facility 110 and see column 4, lines 36-43) to select one of a plurality of parsers (110a-110d) suitable to parse the PDL of

Art Unit:

the document, (c) in response to step (b) processing the document by selecting at least one of a first PDL (i.e., PS 110a) and a second PDL (i.e., PCL 110b) and parsing the document using the at least one of the first and the second printer description languages; and (d) the examining of step (b) continuing to examine the document for synchronization data (i.e., synchronization data, reads on, data or commands that helps to identify the file type i.e., whether the file is PS, PCL, TIFF or ASCII, i.e., synchronization data, reads on, data such as, “%!” commands to identify PostScript file) while the parsing of step (c).

As pointed out, by the Appellant’s argument presented at Page 6, lines 23-25 of the *APPEAL BRIEF (Paper #11, filed 9/25/2000, the Appellant state “While the PDL determination process of Pavlovic et al may be reinitiated at intermediate locations within a document ...”* . Thus, Pavlovic et al discloses said examining of step (b) (while the PDL determination process) continuing to examine the document for synchronization data while said parsing of step c) .

Furthermore, as can be seen in figure 3 and column 7, lines 10-27, a print job having four portions intended to be printed as a single document. The four tasks are (1) PS file 1, (2) ASCII file 1, (3) PCL file 1, (4) PS file 2,. Thus, while PDL determination process may identify the ASCII file 1, decomposer 110a, may decompose the PS file 1. Thus, this process reads on said examining of step (b) continuing to examine the document for synchronization data (i.e., synchronization data, reads on, data or commands that help to identify the file type

Art Unit:

i.e., whether the file is PS, PCL, TIFF or ASCII, i.e., synchronization data, reads on, data such as, “%!” commands to identify PostScript file) while said parsing of step (c).

Pavlovic et al (U.S. Patent 5,715,379) discloses at column 4, lines 43-47, that *“It may be desirable, in certain situations, to provide multiple decomposers of the same type, such as multiple PostScript interpreters, which may be used simultaneously in parallel, thereby increasing the total throughput speed of the system.”*

In addition, Pavlovic et al (U.S. Patent 5,715,379) discloses at column 7, lines 1-10, that a practical advantage of the system is that the system enables simultaneous decompression of files of different PDLs or formats, and enables these different format files to be combined in a single job. That is, the different decomposition facilities 110a-d can be made to operate simultaneously.

Hence, While the PDL determination process of Pavlovic et al is initiated or reinitiated at intermediate locations within a document, the examining of step (b) continuing to examine the document for synchronization data (i.e., synchronization data, reads on, data or commands that help to identify the file type i.e., whether the file is PS, PCL, TIFF or ASCII, i.e., synchronization data, reads on, data such as, “%!” commands to identify PostScript file) while said parsing of step (c).

Art Unit:

C) With respect to the argument that *"The Appellants submit that Steeves et al do not explicitly indicate that the process manager 100 continues to examine the data in the buffer to determine if the PDL has changed once it has identified the document's PDL and notified the appropriate emulation module. Further, the Appellants submit Steeves et al do not imply that the PDL identification process does not terminate before the third process is initiated."* the argument has been considered, but is not found to be persuasive because of the following reason(s):

Steeves et al (U.S. Patent 5,075,874) discloses a print engine for a printer (see figure 1). Steeves et al further discloses (a) a first process that receives a document to be printed on a printer (receiving document to be printed in buffers 23-26), (b) a second process (see figure 3, process manager 100) that examines the document to select which of a plurality of third processes (see figure 3, 104, 106, 108, 110, 112 and 126) is suitable to parse the printer description language of the document, (c) a first one of the plurality of third processes (POSTSCRIPT 126) parsing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (100), (d) a second one of the plurality of third processes (PCL DECODER 104) parsing the document using a second PDL (i.e., PCL) in response to the selection of the second process (100), and (e) the second process (process manager 100) not terminating prior to the selected third process (104, 106, 108, 110, 112 or 126) initiating the parsing of the document.

Art Unit:

Steeves et al discloses at column 4, lines 37-42, that the process manager 100 monitors the status of the buffers in RAM 68 and when it sees that there is data in one of the buffers, it determines which emulation is the current one for the corresponding port, referring to the values stored in EEPROM 74 and calls the appropriate emulation module 104-112.

Furthermore, Steeves et al disclose at column 9, lines 12-17, that the invention has the further advantages that one computer can send print instructions to the printer, while print instructions from another computer are being printed, thereby increasing the efficiency of the computers connected to the printer.

Also, Steeves et al discloses when the emulation module has filled a page in the page buffer, or runs out of data, it notifies the process manager 100 that a page is ready to print (see column 4, lines 59-61).

Hence, Steeves et al discloses that the second process (process manager 100) not terminating prior to the selected third process (104, 106, 108, 110, 112 or 126) initiating the parsing of the document.

D) With respect to the argument that *"Likewise, Steeves et al do not anticipate claim 10 because there is no indication that Steeves et al include a step wherein the examination process of step (b) is applied to search for synchronization data while the document is being parsed."*,

Art Unit:

the argument has been considered, but is not found to be persuasive because of the following reason(s):

Steeves et al (U.S. Patent 5,075,874) discloses a method of printing documents which includes (a) receiving a document to be printed on a printer (the document is received in buffers 23-26; see figure 1), (b) examining the document (in process manager 100; see figure 3) to select one of a plurality of parsers (one of emulation module 104, 106, 108, 110, 112 or 126; see figure 3) suitable to parse the PDL of the document, (c) in response to step (b) processing the document by selecting at least one of a first PDL (i.e., PostScript 126) and a second PDL (i.e., PCL decoder 104) and parsing the document using the at least one of the first and the second printer description languages, and (d) the examining of step (b) continuing to examine the document for synchronization data while the parsing of step (c).

Steeves et al discloses at column 4, lines 37-42, that the process manager 100 monitors the status of the buffers in RAM 68 and when it sees that there is data in one of the buffers, it determines which emulation is the current one for the corresponding port, referring to the values stored in EEPROM 74 and calls the appropriate emulation module 104-112.

The selected emulation module, retrieves the input data from the buffer and translates the input instruction set to a common low-level instruction set employed by the printer (see column 4, lines 43-46).

Furthermore, Steeves et al disclose at column 9, lines 12-17, that the invention has the further advantages that one computer can send print instructions to the printer, while print

Art Unit:

instructions from another computer are being printed, thereby increasing the efficiency of the computers connected to the printer.

Also, Steeves et al discloses when the emulation module has filled a page in the page buffer, or runs out of data, it notifies the process manager 100 that a page is ready to print (see column 4, lines 59-61).

Hence, Steeves et al discloses step (d), that, said examining of step (b) continuing to examine the document for synchronization data (i.e., synchronization data, reads on, data or commands that help to identify in which language is the input data or the input instruction set received and stored in buffer 23-26 is transmitted from the host or data source, i.e., whether the input data is PostScript, Diablo, Proprinter, Epson, HPGL, or PCL Decoder, for example, the synchronization data, reads on, data such as, “%!” which are commands that help to identify the PostScript file) while the parsing of step (c).

E) With respect to the argument that *“The Appellants submit that Niihara et al do not teach a PDL determination process not terminating prior to the initiation of a parsing process or continuing during the parsing and, therefore, combinations of Niihara et al and Pavlovic or Steeves do render claims 9 and 18 obvious.”*, the argument has been considered, but is not found to be persuasive because of the following reason(s):

Art Unit:

- (1) Niihara et al was not cited in order to teach a PDL determination process not terminating prior to the initiation of a parsing process or continuing during the parsing.
- (2) With respect to the rejection of claims 9 and 18 above, the primary references used in the rejection, that is Pavlovic et al or Steeves et al do not teach (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document.

Niihara et al was cited to teach a printing system with a language determining device, wherein, the selected language interpreter detecting an error within one of the documents, the language determination initializing a different one of the languages interpreters to be selected in response to the selected interpreter detecting an error within the document.

As previously stated, therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified Pavlovic et al or Steeves et al wherein: (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document.

It would have been obvious to one of ordinary skilled in the art at the time of the invention was made to have modified Pavlovic et al or Steeves et al by the teaching of Niihara et al because of the following reason(s): (1) so that when the selected interpreter detects an error within one of the documents, a PDL determination process selects a different PDL

Art Unit:

interpreter in order to process the data; (2) when the selected interpreter detects an error within one of the documents, a language determination is made in order to determine in what language the next document is in, so that the next document can be processed by the correct interpreter.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



DOV POPOVICI
PRIMARY EXAMINER

Dov Popovici
June 4, 2001



EDWARD COLES
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Examiner: Dov Popovici



Conferees: (1) Edward Coles



(2) Gabriel Garcia

